



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,875	03/16/2004	David Michael Suprock	KZG100US	2962

35083 7590 09/18/2006

CHARLES D. GAVRILOVICH, JR.,
GAVRILOVICH, DODD & LINDSEY, LLP
985 PASEO LA CRESTA, SUITE B
CHULA VISTA, CA 91910-6729

EXAMINER

PASSANITI, SEBASTIANO

ART UNIT	PAPER NUMBER
----------	--------------

3711

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/801,875	Applicant(s) SUPROCK ET AL.	
	Examiner Sebastiano Passaniti	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on see detailed Office action.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 and 49-58 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 9, 12-15, 17, 18, 20-24, 27, 28, 31-34, 36, 37, 49-53, 56 and 57 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 10, 11, 16, 19, 25, 26, 29, 30, 35, 38, 54, 55 and 58 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office action is responsive to communication received 06/19/2006 –
Amendment.

Claims 39-48 have been canceled, as directed by the applicant.

Claims 1-38 and 49-58 remain pending.

Following is an action on the MERITS:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 8, 9, 13, 14, 17, 18, 20-24, 27, 28, 32, 33, 36, 37, 49-53, 56 and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by Gutoski ('011), of record. As to claims 1, 20 and 49, note that Gutowski shows a front face (112) and a back face (114) that is attached only at the periphery along the front face. Although Gutowski shows pins (132) that may be used to unite the front and back faces, Gutowski clearly indicates that welding is the preferred method of attaching the front and back faces (col. 3, lines 64-67). The arrangement of the front and back faces is deemed to constitute a "laminated golf club head" as broadly as claimed. As to claims 2 and 21, the back face clearly supports the front face at places other than only the sweet spot. As to claims 3, 22 and 51, note members (134) serving as the claimed "ridges". As to claims 4, 23 and 52, note that at least the portion (136) of the back face is indeed smaller in area than

the area of the front face (112). As to claims 5 and 24, see Figure 4, wherein it is clearly shown that the back face only contacts the front face along a periphery of the back face. As to claims 8, 27 and 56, the spacing between the front face and the back face, which is in essence close or sealed, may contain a gas, i.e., air. Note that the claim does not require the gas to be pressurized in any manner nor is it clear from the claim language exactly how the back face may contain gas. See the further comments under ***"Claim Objections"***, below. As to claims 9, 28 and 57, here again Figure 4 is cited to show that the front face thickness is clearly larger than the thickness of the back face. As to claims 13 and 32, the back face is clearly in the shape of a polygon. As to claims 14 and 33, the shape of the back face more closely resembles an elliptical shape in order to match the generally elliptical shape of the club head body. See Figures 1 and 2. As to claims 17, 18, 36 and 37, it is clear that the area of the back face (portion 136) is at least between percent to 90 percent and, more specifically, between about 70 percent to 90 percent of the area of the front face. See Figure 4.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12, 15, 31 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gutowski ('011). Although the back face is not depicted as either circular (claims 12 and 31) or square (claims 15 and 34), these shapes would have

simply involved an obvious change in design of the back face based upon the general shape of the club head body. Clearly, the skilled artisan would have been motivated to shape the back face to compliment the overall club head configuration, also keeping in mind that the shape of the back face has an effect on the weight distribution of the club head as a whole. Note that Gutowski details that the back face is constructed in part to help balance the club head.

Claim Objections

Claims 8, 27 and 56 are objected to because of the following informalities: It is not understood how the back face contains a gas. A gas must be confined between or within an enclosed space in order to be considered "contained". Appropriate correction is required.

Allowable Subject Matter

Claims 6, 7, 10, 11, 16, 19, 25, 26, 29, 30, 35, 38, 54, 55 and 58 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. A complete "Reasons for Allowance" will be provided at such time as this application is in condition for allowance.

Response to Arguments

Applicant's arguments with respect to claims 1-38 and 49-58 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sebastiano Passaniti whose telephone number is 571-272-4413. The examiner can normally be reached on Monday through Friday (6:30AM - 3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene L. Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S.Passaniti/sp
September 4, 2006


Sebastiano Passaniti
Primary Examiner